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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 21, 2012 (S.C. 47/12)

Summary of Cases Accepted and Related Actions for Week of November 19, 2012

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#12-115 *People v. Diaz*, S205145. (H036414; 208 Cal.App.4th 711; Santa Clara County Superior Court; CC954415.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the trial court err by failing to instruct the jury, on the court's own motion, that the jury was required to consider defendant's extrajudicial, oral statements with caution even though the statements constituted the alleged criminal act? (2) If so, did the Court of Appeal correctly conclude that the trial court's failure to instruct was harmless error?

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